

1-800-American Free Trade Association

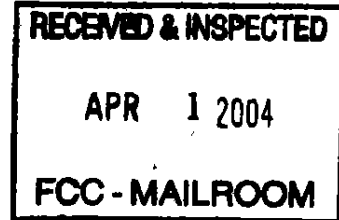
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March 24, 2004

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St., SW
Washington, D.C. 20554



Re: Management of Centralized Toll-Free Database by an LLC
CC Docket No. 95-155

Dear Ms. Dortch:

Please find the enclosed letter addressed to William Maher, Chief, Wireline Competition Bureau.

The letter is in regards to a change in the manner in which the Toll-Free LLC Working Group has been conducting its deliberations.

Sincerely,



Mitchell Knisbacher
President

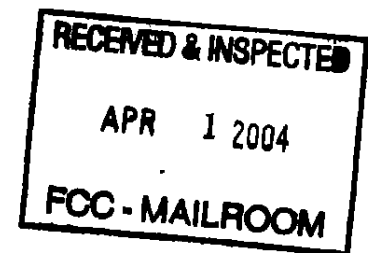
cc: Eric Einhorn, Chief, Telecommunications Access Policy Division
Diane Law Hsu, Deputy Division Chief
Cheryl Callahan, Assistant Division Chief
Jennifer Gorny, Esq.
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1-800-American Free Trade Association

March 24, 2004

William Maher, Chief
Wireline Competition Bureau
Federal Communications Commission
445 12th St., SW
Washington, D.C. 20554



Re: Management of Centralized Toll-Free Database by an LLC
CC Docket No. 95-155

Dear Mr. Maher:

1-800 American Free Trade Association ("1-800 AFTA") is a trade association dedicated to representing the interests of the toll-free industry. The membership of 1-800 AFTA is interested in the development of a competitive market, and includes users and providers of toll-free services, call centers, and direct marketing firms. Our members have a direct interest in any changes which could affect the operation of the SMS 800 database. Accordingly, we are a member of the Association for Telecommunications Industry Solutions, and have been an active participant in the SMS 800 Number Administration Committee ("SNAC").

As you know, last year, an ad hoc group of telecommunications companies (referring to themselves as the "Toll-Free LLC Working Group") began to develop a proposal for transferring "management and control" of the SMS 800 database from the BOCs to a Limited Liability Company ("800 LLC") which would be open to industry members. Members of this group met with you and members of your staff on May 9, 2003 to discuss the concept. Subsequently, on July 8, the group sent you a letter responding to certain concerns which had been raised during the May meeting, one of which related to the extent of the group's efforts to reach out to other members of the industry. In the July 8th letter, the group noted that it had received the endorsement of SNAC and that it had contacted groups representing large and small Resp Orgs. 1-800 AFTA is one of the groups that was approached, and we subsequently participated in some of the deliberations of the Toll-Free LLC Working Group.

It is with regret that we feel obligated to draw your attention to a change in the manner in which the Toll-Free LLC Working Group has been conducting its deliberations. While the participants conducted several open sessions during the summer, on October 2, the leaders of the group suspended the deliberations and suggested that members prepare proposals individually, for circulation to the group on November 24, and discussion on December 1. Then on November 24, a letter was circulated by the Group's leader, indicating "there is one proposal that I am aware of, which is still being finalized, and which I hope to distribute sometime shortly after Thanksgiving." Subsequently, it was stated at a SNAC meeting that there are two "similar" groups of companies currently developing proposals, but no details were divulged. Our efforts to obtain information on the proposals being discussed, or to participate in the discussions have met with no success for the last four months.

In the July 8th letter, the Group argued that a Notice of Proposed Rulemaking would not be required to consider the LLC proposal because administration of the toll-free number database is not governed by any existing Commission rule. While this is technically true, the Group ignores

the fact that the Commission's rules contain express provisions regarding the designation and duties of the North American Numbering Plan Administrator ("NANPA") and require the NANPA to be an "independent and impartial non-government entity" charged with the administration of "administer numbering resources in an efficient and non-discriminatory manner, in accordance with Commission rules and regulations." 47 C.F.R. § 52.13. Like the general administration of numbering resources, the administration of the toll-free number database presents issues of nation-wide significance, and should not be haphazardly transferred from the BOCs to a third party of their choice without prior Commission approval and guidelines governing the new entity.

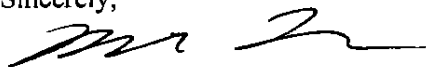
In its July 8th letter, the Group also contends that an NPRM is not necessary since "the restructuring recommendation comes from an industry-wide pro-LLC coalition." While it is the privilege of industry members to discuss matters of common interest in private, we feel a responsibility to alert the Commission to the fact that for the past several months the Group's deliberations have not reflected an open process in which all members of the industry have been invited to participate. We should also note that 1-800 AFTA participated in the SNAC meeting at which the LLC initiative was discussed, and while there was support for the initiative from the relatively small number of companies that participated in the discussion, most of the support came from the same companies that are in the Toll-Free LLC Working Group. There is no indication that the hundreds of other Resp Orgs or Toll Free Service Providers share the views of the small group of companies currently working on the proposals behind closed doors. Accordingly, the Bureau should refuse to consider any change to the management or control of the SMS 800 Database without a Notice of Proposed Rulemaking proceeding, with full opportunity for other interested industry participants to present their views on the proposals.

In this regard, we call your attention to the fact that "Restructuring the Current Toll-Free Number Administration System" was one of the primary topics discussed at the Commission's Forum on Toll-Free Number Administration held on March 4, 2002. See Public Notice, DA 02-315, released February 11, 2002. 1-800 AFTA urges the Commission to recognize the need to address the entire range of open issues surrounding Toll Free services, by issuing the NPRM that was the topic of discussion at the forum which was held almost two years ago.

1-800 AFTA is at a total loss to understand this refusal from an entity which has been mandated by the Commission to perform certain essential functions relating to the operation of the nation's telecommunications network, and which is now being touted as a model for "management and control" of the SMS 800 database. Accordingly, we request your assistance in obtaining a current list of the members of NAPM, and an overview of the Bureau's expectations with respect to the extent to which NAPM actions and deliberations should be open to the industry.

Your prompt attention to this matter would be greatly appreciated.

Sincerely,



Mitchell Knisbacher, President

cc: Eric Einhorn, Chief, Telecommunications Access Policy Division
Diane Law Hsu, Deputy Division Chief
Cheryl Callahan, Assistant Division Chief
Jennifer Gorny, Esq.
Eric Fishman, Esq.